

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

KAREN AUDAY,)	
)	
Plaintiff,)	
)	Case No. _____
vs.)	
)	Judge _____
THE WET SEAL RETAIL, INC.)	
)	Magistrate _____
Defendant.)	

NOTICE OF REMOVAL

Defendant, The Wet Seal Retail Inc., ("Wet Seal") hereby removes this action to this Court pursuant to 28 U.S.C. § 1441(a) and, in support thereof, states as follows:

1. A civil action was commenced on August 10, 2010, and is now pending in the Chancery Court for Hamilton County, Tennessee, Case No. 10-0715, wherein Karen Auday is the Plaintiff and Wet Seal is the Defendant.

2. A copy of the Summons and Complaint are attached hereto as Exhibit 1. To date, these are the only pleadings in this lawsuit.

3. Plaintiff is a citizen and resident of the State of Tennessee. (Pl.'s Compl. ¶ 3). Defendant is a corporation incorporated under the laws of the State of Delaware with its principal place of business in California. Therefore, diversity of citizenship exists.

4. Plaintiff's Complaint contemplates damages "in the amount of \$500,000." As such, the amount in controversy requirement is met.

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332. Defendant is entitled to remove this action pursuant to 28 U.S.C. § 1441(a)

because complete diversity of citizenship exists between Plaintiff and Defendant and the amount in controversy requirement is satisfied.

6. Wet Seal was served on or about August 18, 2010. This Notice of Removal, filed September 15, 2010, is being filed within thirty days after Defendant's receipt of a copy of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

WHEREFORE, Defendant removes this action from state court to this Court.

Respectfully submitted this 15th of September, 2010,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

/s/ Jonathan O. Harris

Jonathan O. Harris (BPR No. 0021508)

Jennifer S. Rusie (BPR No. 026009)

SunTrust Plaza, Suite 1200

401 Commerce Street

Nashville, TN 37219

(615) 254-1900

(615) 254-1908 (facsimile)

jon.harris@odnss.com

jennifer.rusie@odnss.com

Certificate of Service

I certify that on September 15, 2010, a true and correct copy of the foregoing was served, via U.S. mail, on counsel for the Plaintiff at the following address:

Harry F. Burnette
Frank P. Pinchak
713 Cherry Street
Chattanooga, TN 37402

/s/ Jonathan O. Harris

9130915.1 (OGLETREE)